



ARBITRATION AND BOARD CONVENED IN
NEW YORK, NEW YORK

In the Matter of the Arbitration of _____ :

_____,

Petitioner,

UMPIRE QUESTIONNAIRE

-against-

_____,

Respondent.

You have been nominated to serve as an Umpire in the captioned arbitration. To assist the parties in evaluating the qualifications of persons nominated to serve as Umpire in the arbitration between the parties listed above, and to identify any potential conflict of interest, please supply the following information and return the completed Questionnaire to counsel identified below:

Counsel Names/Address for Petitioner

Counsel Names/Address for Respondent

Arbitrator Appointed by Petitioner

Arbitrator Appointed by Respondent

In-house Party Representative(s)

In-house Party Representative(s)

1. Please supply the following information:

Name: _____

Company: _____

Address: _____

Telephone: _____

Cell Phone: _____

Email address: _____

Home address: _____

Home Telephone: _____

2. EMPLOYMENT HISTORY

Please attach a current resume or CV containing your current and past employment, including the length of employment at each job and your primary responsibilities. In the event that you believe the ARIAS web page provides this same detail, please check here ☐ and use your discretion as to whether you want to also include your resume.

3. FEE SCHEDULE

Please advise:

Hourly rate: \$ _____

Travel or other requirements: _____

Do you require a non-refundable retainer? _____ If yes, what is the retainer fee?

Do you charge a cancellation fee? _____ If yes, please advise of the terms:

If you have any additional fee requirements and/or prefer to attach your fee schedule, please attach your fee schedule.

4. INSURANCE AND REINSURANCE ARBITRATION EXPERIENCE

A. Have you previously participated as a party-appointed arbitrator in connection with an insurance or a reinsurance dispute?

☐ Yes ☐ No

If yes, please estimate the number of times that you have served as a party appointed arbitrator.

In an insurance arbitration: _____

In a reinsurance arbitration: _____

B. Have you previously participated as an umpire in connection with an insurance or a reinsurance dispute?

☐ Yes ☐ No

If yes, please estimate the number of times that you have served as an umpire.

In an insurance arbitration: _____

In a reinsurance arbitration: _____

- C. If yes to A or B, approximately how many such arbitrations went to an evidentiary hearing?

In an insurance arbitration: _____

In a reinsurance arbitration: _____

5. SUBJECT MATTER OF THE ARBITRATION

This arbitration involves: **[identify the (re)insurance contract name(s), the years of the (re)insurance contract(s), underlying claims involved, and the parties to the contract(s) that are before the panel].**

Each party may also add a succinct summary of the dispute, issues involved and their position (no more than 125 words). Alternatively, the parties can agree on a joint statement of the issues in dispute.

- A. Have you previously been involved in any capacity in an insurance or reinsurance transaction or dispute involving any of the specific claims, policies, and/or reinsurance contracts at issue in this matter as described above?

☐ Yes ☐ No

If yes, please explain: _____

- B. Please disclose any articles that you have authored or co-authored that may be related to and/or address the issue(s) in this dispute.

- C. Have you previously provided expert testimony related to any of the issues described above?

☐ Yes ☐ No

If yes, please explain.

- D. Might these facts or circumstances prevent you from rendering an unbiased decision in this arbitration?

☐ Yes ☐ No

If yes, please explain.

6. PRIOR COMMUNICATIONS WITH OTHER PANEL MEMBERS, THE PARTIES AND PARTIES' COUNSEL

Have you had any communications with the arbitrators, parties, or counsel identified above regarding the matter identified in Question 5, including but not limited to your qualifications for and/or the possibility of your serving as an umpire herein?

☐ Yes ☐ No

If yes, please explain.

7. POTENTIAL CONFLICTS

- A. Are you currently or were you ever an employee, officer, or director of any of the below listed parties or of the parties' subsidiaries, affiliates (defined as an entity whose ultimate parent owns a majority of both the entity and the party to the arbitration and whose insurance and/or reinsurance disputes, as applicable, are managed by the same group of individuals that manage the party's insurance and/or reinsurance disputes) or parent companies, which are listed [below or in the attached Exhibit A]? [Please note: Counsel must list all of the parties' subsidiaries, affiliates or parent companies that they would like the umpire candidate to research and disclose. It is suggested that an Exhibit A be attached if the list is lengthy.]
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☐ Yes ☐ No

If yes, please explain: _____

- B. If you have ever been retained as an expert, consultant, or mock/shadow panelist by any of the parties to this arbitration (or the entities listed in [Question 7A or Exhibit A]) or any of the counsel in this arbitration, please provide details below.

If yes, please explain: _____

- C. If you have ever acted as counsel for or against any of the parties to this arbitration (or the entities listed in [Question 7A or Exhibit A]), please provide details below.

If yes, please explain: _____

- D. Please identify the number of pending and past appointments as a party-appointed arbitrator or umpire that also involved one or more of the parties (or the entities listed in [Question 7A or Exhibit A]), counsel, and other arbitrators in the current arbitration within the past ten years:

Participants in the Current Arbitration	# and Ways in which You Participated in Other Pending and Past Proceeding(s) Involving any Participant(s) in the Current Arbitration					
	As a Party Arbitrator Appointed by the Party		As a Party Arbitrator Appointed by the Opposing Party		As the umpire or a neutral	
	# Pending	# Past	# Pending	# Past	# Pending	# Past
<i>(Petitioner)</i>						
<i>(Respondent)</i>						
<i>(Pet. 's Counsel/Law Firm)</i>						
<i>(Resp. 's Counsel/Law Firm)</i>						
<i>(Pet. 's Arb.)</i>						
<i>(Resp. 's Arb.)</i>						
<i>Party representative(s)</i>						

- E. For each appointment identified in the chart above, please (a) list the year of the appointment, (b) list the year of the resolution, if applicable, (c) indicate if the arbitration was resolved by a dispositive award, and (d) if the arbitration was not resolved by a dispositive award, whether it was resolved before or after an organizational meeting.
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- F. Do any companies with which you are presently affiliated have an ongoing business relationship with any of the parties (or the entities listed in [Question 7A or Exhibit A])?

☐ Yes ☐ No

If yes, please explain:

- G. Do you or any immediate family members have any financial interest in the result of this arbitration?

☐ Yes ☐ No

If yes, please explain: _____

- H. Have you ever retained the party arbitrators, counsel or their respective law firms to provide you with professional services?

☐ Yes ☐ No

If yes, describe the retention and disclose type of service and approximate date so engaged. _____

- I. Within the last 10 years, were you involved in retaining the party arbitrators, counsel, or their respective law firms, to provide professional services to an entity with which you were or are affiliated?

☐ Yes ☐ No

If yes, describe the retention and disclose type of service and approximate date so engaged. _____

- J. Have either of the party arbitrators, while acting for himself/herself or for another, ever retained you as counsel, arbitrator, expert witness, mock/shadow panelist, or consultant?

☐ Yes ☐ No

If yes, please describe the retention and disclose type of service and approximate date so engaged. _____

- K. Apart from participating in industry conferences, other industry functions and any industry-related activity, within the past 10 years, have you had, or currently have, any **business, professional, or social relationships** with any of the arbitrators, employees, directors, officers or representatives of the parties, parties' counsel and/or their respective law firms not otherwise disclosed in response to questions above?

☐ Yes ☐ No

These relationships are defined as follows:

Professional Relationship: a relationship in which one person, individually or acting on behalf of a corporate entity, requests and is granted professional assistance from a qualified source including relationships that exist with attorneys, vendors, actuaries, consultants and claim adjusters.

Business Relationship: a relationship procured for the purpose of economically or professionally benefiting one or both parties, whether individually or acting on behalf of a corporate entity or any entity within which you are affiliated, and which extends beyond three months.

Social Relationship: a recurring interaction, apart from a professional or business relationship, procured by the parties for the purposes of camaraderie and/or a shared interest in sports, arts, culture, religion, government, or philanthropy.

If yes, please explain the nature and extent of the relationship.

8. OTHER CONSIDERATIONS

- A. Additional Questions: (Parties may add any additional questions here)
- B. At this time, do you believe that you will have time for a (one week/two week/three week – choose one) hearing between (complete date by counsel – “9-15 months from now”) hearing: ☐ Yes ☐ No

If no, please explain: _____

- C. Are you aware of any other facts or circumstances that might create an appearance of partiality on your part or impair your ability to serve as umpire in the above-captioned arbitration (please see the ARIAS Code of Conduct).

☐ Yes ☐ No If yes, please explain:

D. If you are selected and take the umpire role:

a) Do you agree to act consistently with the ARIAS Code of Conduct?

☐ Yes

☐ No

b) Do you agree to refuse to accept appointments as an expert, counsel, consultant, mock/shadow panelist or party-appointed arbitrator on behalf of either of the parties listed above as well as the parties' affiliates as defined in 7A above, prior to the final disposition of the above-captioned arbitration?

☐ Yes

☐ No

ATTESTATION

The foregoing statements are true, accurate, and complete to the best of my knowledge and belief.

Signature: _____

Date: _____

Exhibit – List subsidiaries, affiliates or parent companies if needed